



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III
1650 Arch Street
Philadelphia, Pennsylvania 19103-2029

April 7, 2022

VIA ELECTRONIC MAIL

Mr. Kevin A. Steigerwalt, Borough Manager
Borough of Tamaqua
320 East Broad Street
Tamaqua, PA 18252
ksteigerwalt@ptd.net

RE: CWA Section 308 Information Requirement

Dear Mr. Steigerwalt:

The United States Environmental Protection Agency ("EPA") hereby requires that Borough of Tamaqua ("Tamaqua") provide certain information regarding the Tamaqua wastewater treatment plant (WWTP) located at Sewage Plant Road and the combined collection system located in the Borough of Tamaqua, Pennsylvania. EPA requires this information as a part of its investigation of Tamaqua's compliance with the Clean Water Act ("CWA"), 33 U.S.C. § 1251, and the regulations promulgated thereunder.

Compliance with this Information Requirement is mandatory. Failure to respond fully and truthfully to the Information Requirement in accordance with deadlines set forth in the Information Requirement, or to adequately justify such failure to respond, can result in enforcement action by EPA pursuant to Section 309 of the CWA, 33 U.S.C. § 1319. Please note that the provision of false, fictitious, or fraudulent statements or representations may subject you to criminal penalties under 18 U.S.C. § 1001.

Tamaqua is entitled to assert a business confidentiality claim, covering all or part of the information which this letter requires. Any such claim should be made in accordance with the procedures described at 40 C.F.R. § 2.203(b). In the event that Tamaqua asserts a claim of business confidentiality with respect to any document, Tamaqua should provide EPA with a redacted version of the document which does not contain any claimed business confidential information, and which can be distributed to the public. EPA will provide the public with information subject to a claim of business confidentiality only in accordance with the procedures set forth at 40 C.F.R. Part 2, Subpart B. Unless a confidentiality claim is asserted at the time the required information is provided, EPA may make this information available to the public without further notice to Tamaqua.

This required submission of information is not subject to the approval requirements of the

Paperwork Reduction Act of 1980, 44 U.S.C. § 3501.

EPA is cognizant of potential worker shortages due to the COVID-19 pandemic as well as the travel and social distancing restrictions imposed by both governments and corporations or recommended by the Centers for Disease Control and Prevention to limit the spread of COVID-19. The consequences of the pandemic may affect facility operations and the availability of key staff and contractors. Due to the uncertainty surrounding the COVID-19 public health emergency, we understand that Tamaqua may not have complete information at this time. In that case, Tamaqua should provide a partial response within 30 days and a final response when complete information is accessible. If a partial response is submitted, please indicate that a complete response will follow.

If you have any factual questions concerning this information request, please contact Mr. Steven Maslowski at (215) 814-2371.

Sincerely,

Richard A. Rogers, Chief
Water Branch
Enforcement and Compliance Assurance Division

Enclosures

cc: Patrick J. Musinski, PADEP (pmusinski@pa.gov)

In the Matter of:	:	
	:	
	:	Proceeding under Section 308 of the
	:	Clean Water Act, 33 U.S.C. § 1318
Borough of Tamaqua	:	
Wastewater Treatment Plant	:	
Sewer Plant Road	:	
Tamaqua, Pennsylvania 18252	:	
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	:	INFORMATION REQUIREMENT
Respondent	:	
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2. EPA is authorized under Section 308 of the CWA, 33 U.S.C. § 1318, to require owners and operators of point sources to establish records and make such reports as may be necessary to carry out the purpose of the CWA, including but not limited to:
 - a. developing or assisting in the development of any effluent limitation, or other limitation, prohibition, effluent standard, pretreatment standard, or standard of performance under the CWA;

- b. determining whether any person is in violation of any such effluent limitation, or other limitation, prohibition or effluent standard, pretreatment standard, or standard of performance;
 - c. any requirement under Section 308 of the CWA; and
 - d. carrying out Sections 305, 311, 402, 404, and 504 of the CWA.
3. Failure to respond as directed to a CWA Section 308 Information Requirement is punishable under the civil and criminal provisions of Section 309 of the CWA, which provide for the assessment of penalties, injunctive relief and imprisonment. Providing misleading or false information may subject you to civil and criminal sanctions. The information you provide may be used by EPA in administrative, civil or criminal proceedings.
 4. You may, if you desire, assert a business confidentiality claim covering all or part of the information Requirement herein in the manner described in 40 C.F.R. Part 2 Subsection B. Information covered by such a claim will be disclosed by EPA only to the extent and by means of the procedures set forth in Subpart B, 40 C.F.R. Part 2. If no claim of confidentiality accompanies the Information Requirement herein when it is received by EPA, it may be made available to the public by EPA without further notice. You may not withhold any information from EPA on the grounds that it is confidential business information. This inquiry is not subject to review by the Office of Management and Budget under the Paperwork Reduction Act 44 U.S.C. Chapter 35. (See 5 C.F.R. Section 1320.3(c)).
 5. This Information Requirement does not preclude EPA from performing inspections.

III. INSTRUCTIONS

6. Provide a separate narrative response for each question set forth below and for each subpart of each question.
7. Identify each answer with the corresponding number of the question and subpart to which it responds.
8. State the name, address, email address, telephone number, and occupation of each person providing responses, or contributing information to responses, to each request for information below.
10. Provide all documents in your possession which relate to the responses given. With respect to each document, identify the date, author, addressee, current location, and custodian and identify the question or subpart to which it relates.
11. Answer each question to the extent possible. If any question cannot be answered in full, explain why to the extent possible. If your responses are qualified in any manner, please explain.
12. If information or documents unknown or unavailable to you as of the date of your response to this request become known or available to you after submitting your response

to the request, you must supplement your response to EPA. Moreover, should you find at any time after the submission of your response that any portion of the submitted information is false or misrepresents the truth, you must notify EPA of this fact as soon as possible and provide a corrected response.

13. Each submission pursuant to this request must be accompanied by the following certification and must be signed by a representative of Borough of Tamaqua and authorized to respond on behalf of that entity.

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based upon my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for known violations."

Signed: _____

Title: _____

Date: _____

14. All information shall be submitted within thirty (30) days of receipt of this Request for Information electronically to:

Mr. Steven Maslowski
Enforcement and Compliance Assurance Division
United States Environmental Protection Agency, Region III
Philadelphia, PA 19103-2029
maslowski.steven@epa.gov

If you are unable to send requested documentation electronically, please contact Mr. Steven Maslowski via phone or email to discuss alternate delivery methods. In both your message and written response, please indicate the specific information requested by EPA that you are unable to provide electronically.

15. If you have questions regarding this Information Requirement, you may contact Mr. Steven Maslowski of the Enforcement and Compliance Assurance Division at maslowski.steven@epa.gov or (215) 814-2371.

V. INFORMATION REQUIREMENT

The Respondent is hereby required, pursuant to Section 308 of the CWA, 33 U.S.C § 1318, to submit the following information to EPA within thirty (30) calendar days of receipt of this Information Requirement:

16. Provide a narrative description of the Tamaqua facility, operational processes, and water pollution control equipment. Include in your response a site map that includes all outfall locations.

17. Attached is a spreadsheet with effluent violations identified in EPA's data systems for the period April 2017 through April 2022 and based on discharge monitoring reports (DMR) submitted by the Tamaqua facility. Please identify any additional effluent violation not identified on the spreadsheet and provide a certification as to the accuracy of the spreadsheet and any additions pursuant to Paragraph 12.
18. For each violation identified in Paragraph 17, provide a detailed narrative description of the cause of the violation and any measure you have taken or intend to take to correct the violation or prevent future violations. Include completed or scheduled dates for each identified measure. If applicable, include detailed noncompliance notifications submitted to the Pennsylvania Department of Environmental Protection (PADEP).
19. Provide copies of any documents identified in or in support of your responses to questions 15-17, including copies of DMRs for violations identified in Paragraph 17.
20. Provide any additional information related to violations other than those identified in paragraph 17 that impact the current compliance status at the facility.
21. Provide a copy of Tamaqua's most recent Nine Minimum Control Plan.
22. Provide a detailed map of the combined collection system and CSO outfalls.
23. Provide a list of slugs discharged to the Tamaqua WWTP from industrial users that have caused upsets at the plant for the past five years.
24. Provide the findings of Tamaqua's investigations into the slugs discharged as requested in Paragraph 23.
25. Provide a copy of Tamaqua's 2020 and 2021 Chapter 94 Pennsylvania Municipal Wasteload Management Reports.
26. Provide calibration records of Tamaqua's CSO meters and flow data for the past two years.
27. Provide a timeline for Tamaqua's purchase and installation of a flow-paced composite sampler for effluent monitoring.
28. Provide Tamaqua's method of obtaining influent organic and hydraulic loadings to comply with Pennsylvania Wasteload Management requirements of 25 Pa Code Chapter 94.
29. Provide an explanation as to the delay in complying with PADEP requested enhanced effluent sampling from the requested date of December 20, 2021, until the enhanced sampling began on February 7, 2022.
30. Provide a detailed standard operating procedure describing the throttling of influent flow into the WWTP during wet weather in particular requesting flow trigger points and actions taken.
31. Provide explanation as to why additional offline treatment units are not used to maximize flow to the WWTP before CSO 014 is activated.

32. Provide a list of all Dry Weather Overflows (DWOs), and their attributed cause, which have occurred in the collection system since 2017. PADEP has record of a DWO being reported from CSO 008 during the month of April 2021.
33. Provide a list of treatment units at the WWTP which are currently inoperable, the date they became inoperable, the reason why they are inoperable and when the units will return to operation.
34. Provide a status of the negotiations between Tamaqua and Rush Township regarding the intermunicipal agreement which would provide Tamaqua with authority to inspect, investigate and take enforcement actions for illicit discharges into Rush Township's collection system.

VI. EFFECTIVE DATE

This INFORMATION REQUIREMENT is effective upon receipt.

Date: April 7, 2022

Richard A. Rogers, Chief
Water Branch
Enforcement and Compliance Assurance Division